

(4) APPOINTMENTS.—Under the pilot project, upon occurrence of a significant incident, the Director—

(A) may activate members of the Civilian Cybersecurity Reserve by—

(i) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or

(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;

(B) shall notify Congress whenever a member is activated under subparagraph (A); and

(C) may appoint not more than 30 members to the Civilian Cybersecurity Reserve under subparagraph (A) at any time.

(5) STATUS AS EMPLOYEES.—An individual appointed under paragraph (4) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(6) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (4) shall be in addition to any employees of the Agency who provide cybersecurity services.

(7) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (4), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(8) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the Agency to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (4), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(9) ELIGIBILITY; APPLICATION AND SELECTION.—

(A) IN GENERAL.—Under the pilot project, the Director shall establish criteria for—

(i) individuals to be eligible for the Civilian Cybersecurity Reserve; and

(ii) the application and selection processes for the Civilian Cybersecurity Reserve.

(B) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under subparagraph (A)(i) with respect to an individual shall include—

(i) previous employment—

(I) by the executive branch;

(II) within the uniformed services;

(III) as a Federal contractor within the executive branch; or

(IV) by a State, local, Tribal, or territorial government;

(ii) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and

(iii) cybersecurity expertise.

(C) PRESCREENING.—The Director shall—

(i) conduct a prescreening of each individual prior to appointment under paragraph (4) for any topic or product that would create a conflict of interest; and

(ii) require each individual appointed under paragraph (4) to notify the Director if a potential conflict of interest arises during the appointment.

(D) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Director to become such a member, which shall set forth the rights and obligations of the individual and the Agency.

(E) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(F) PRIORITY.—In appointing individuals to the Civilian Cybersecurity Reserve, the Agency shall prioritize the appointment of individuals described in subclause (I) or (II) of subparagraph (B)(i) before considering individuals described in subclause (III) or (IV) of subparagraph (B)(i).

(G) PROHIBITION.—Any individual who is an employee of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(10) SECURITY CLEARANCES.—

(A) IN GENERAL.—The Director shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(B) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the member, the Agency shall be responsible for the cost of sponsoring the security clearance of the member.

(11) STUDY AND IMPLEMENTATION PLAN.—

(A) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Director shall begin a study on the design and implementation of the pilot project, including—

(i) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(ii) activities that members may undertake as part of their duties;

(iii) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements;

(iv) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;

(v) resources, including additional funding, needed to carry out the pilot project;

(vi) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and

(vii) processes and requirements for training and onboarding members.

(B) IMPLEMENTATION PLAN.—Not later than one year after beginning the study required under subparagraph (A), the Director shall—

(i) submit to the appropriate congressional committees an implementation plan for the pilot project; and

(ii) provide to the appropriate congressional committees a briefing on the implementation plan.

(C) PROHIBITION.—The Director may not take any action to begin implementation of the pilot project until the Director fulfills the requirements under subparagraph (B).

(12) PROJECT GUIDANCE.—If the Director establishes the Civilian Cybersecurity Reserve, not later than two years after the date of the enactment of this Act, the Director shall, in consultation with the Office of Personnel Management and the Office of Government Ethics, issue guidance establishing and implementing the pilot project.

(13) BRIEFINGS AND REPORT.—

(A) BRIEFINGS.—Not later than one year after the date on which the Director issues guidance establishing and implementing the pilot project under paragraph (12), and every year thereafter until the date on which the pilot project terminates under subsection

(e), the Director shall provide to the appropriate congressional committees a briefing on activities carried out under the pilot project, including—

(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(ii) an evaluation of the ethical requirements of the pilot project;

(iii) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Agency during significant incidents; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(B) REPORT.—Not earlier than 180 days and not later than 90 days before the date on which the pilot project terminates under subsection (e), the Director shall submit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(i) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program;

(ii) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(iii) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(14) EVALUATION.—Not later than three years after the Civilian Cybersecurity Reserve is established under subsection (b)(2), the Comptroller General of the United States shall—

(A) conduct a study evaluating the pilot project; and

(B) submit to Congress—

(i) a report on the results of the study; and

(ii) a recommendation with respect to whether the pilot project should be modified, extended in duration, or established as a permanent program.

(e) SUNSET.—The pilot project established by subsection (b) shall terminate on the date that is four years after the date of the enactment of this Act.

(f) NO ADDITIONAL FUNDS.—

(1) IN GENERAL.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

(2) EXISTING AUTHORIZED AMOUNTS.—Funds to carry out this section may, as provided in advance in appropriations Acts, only come from amounts authorized to be appropriated to—

(A) the United States Cyber Command, with respect to the Civilian Cybersecurity Reserve at the United States Cyber Command established under subsection (b)(1); and

(B) the Agency, with respect to the Civilian Cybersecurity Reserve at the Agency established under subsection (b)(2).

SA 4421. Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLARIFICATION FOR UPSTREAM MANUFACTURERS.

(a) **DEFINITIONS.**—Section 9901(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(2)) is amended—

(1) by inserting “production,” before “or research and development”; and

(2) by striking “of semiconductors.” and inserting “of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.”.

(b) **SEMICONDUCTOR INCENTIVES.**—Section 9902(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)) is amended—

(1) in paragraph (1)—

(A) by striking “for semiconductor fabrication” and inserting “for the fabrication”;;

(B) by inserting “production,” before “or research and development”; and

(C) by striking the period at the end and inserting “of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment.”; and

(2) in paragraph (4)(A), by striking “used for semiconductors” and inserting “used for the purposes”.

SA 4422. Mr. INHOFE (for Mr. ROUNDS (for himself, Mr. LUJÁN, Mr. THUNE, Mr. RUBIO, Mr. SULLIVAN, Mr. INHOFE, Mr. CRAMER, Mr. DAINES, Mr. CASSIDY, Mr. MORAN, Mr. KELLY, Ms. KLOBUCHAR, Mr. PADILLA, and Ms. SINEMA)) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) **IN GENERAL.**—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following:

“CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

“Sec.

“150401. Organization.

“150402. Purposes.

“150403. Membership.

“150404. Board of directors.

“150405. Officers.

“150406. Nondiscrimination.

“150407. Powers.

“150408. Exclusive right to name, seals, emblems, and badges.

“150409. Restrictions.

“150410. Duty to maintain tax-exempt status.

“150411. Records and inspection.

“150412. Service of process.

“150413. Liability for acts of officers and agents.

“150414. Failure to comply with requirements.

“150415. Annual report.

“§ 150401 Organization

“The National American Indian Veterans, Incorporated, a nonprofit corporation orga-

nized in the United States (referred to in this chapter the ‘corporation’), is a federally chartered corporation.

“§ 150402. Purposes

“The purposes of the corporation are those stated in the articles of incorporation, constitution, and bylaws of the corporation, and include a commitment—

“(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian Nations;

“(2) to unite under one body all American Indian veterans who served in the Armed Forces of United States;

“(3) to be an advocate on behalf of all American Indian veterans without regard to whether they served during times of peace, conflict, or war;

“(4) to promote social welfare (including educational, economic, social, physical, and cultural values and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

“(5) to serve as an advocate for the needs of American Indian veterans and their families and survivors in their dealings with all Federal and State government agencies;

“(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between American Indian veterans and American society; and

“(7) to provide technical assistance to the Bureau of Indian Affairs regional areas that are not served by any veterans committee or organization or program by—

“(A) providing outreach service to Indian Tribes in need; and

“(B) training and educating Tribal Veterans Service Officers for Indian Tribes in need.

“§ 150403. Membership

“Subject to section 150406, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and bylaws of the corporation.

“§ 150404. Board of directors

“Subject to section 150406, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

“§ 150405. Officers

“Subject to section 150406, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

“§ 150406. Nondiscrimination

“In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

“§ 150407. Powers

“The corporation shall have only those powers granted the corporation through its articles of incorporation, constitution, and bylaws, which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

“§ 150408. Exclusive right to name, seals, emblems, and badges

“(a) **IN GENERAL.**—The corporation shall have the sole and exclusive right to use the names ‘National American Indian Veterans, Incorporated’ and ‘National American Indian Veterans’, and such seals, emblems, and

badges as the corporation may lawfully adopt.

“(b) **EFFECT.**—Nothing in this section interferes or conflicts with any established or vested rights.

“§ 150409. Restrictions

“(a) **STOCK AND DIVIDENDS.**—The corporation may not—

“(1) issue any shares of stock; or

“(2) declare or pay any dividends.

“(b) **DISTRIBUTION OF INCOME OR ASSETS.**—

“(1) **IN GENERAL.**—The income or assets of the corporation may not—

“(A) inure to any person who is a member, officer, or director of the corporation; or

“(B) be distributed to any such person during the life of the charter granted by this chapter.

“(2) **EFFECT.**—Nothing in this subsection prevents the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

“(c) **LOANS.**—The corporation may not make any loan to any officer, director, member, or employee of the corporation.

“(d) **NO FEDERAL ENDORSEMENT.**—The corporation may not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of the activities of the corporation.

“§ 150410. Duty to maintain tax-exempt status

“The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986.

“§ 150411. Records and inspection

“(a) **RECORDS.**—The corporation shall keep—

“(1) correct and complete books and records of accounts;

“(2) minutes of any proceeding of the corporation involving any of member of the corporation, the board of directors, or any committee having authority under the board of directors; and

“(3) at the principal office of the corporation, a record of the names and addresses of all members of the corporation having the right to vote.

“(b) **INSPECTION.**—

“(1) **IN GENERAL.**—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such a member, for any proper purpose, at any reasonable time.

“(2) **EFFECT.**—Nothing in this section contravenes—

“(A) the laws of the jurisdiction under which the corporation is incorporated; or

“(B) the laws of those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

“§ 150412. Service of process

“With respect to service of process, the corporation shall comply with the laws of—

“(1) the jurisdiction under which the corporation is incorporated; and

“(2) those jurisdictions within the United States and its territories within which the corporation carries out activities in furtherance of the purposes of the corporation.

“§ 150413. Liability for acts of officers and agents

“The corporation shall be liable for the acts of the officers and agents of the corporation acting within the scope of their authority.

“§ 150414. Failure to comply with requirements

“If the corporation fails to comply with any of the requirements of this chapter, including the requirement under section 150410